IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Bail Appl..No. 7153 of 2006()

LP.18/2005 of ADDL. DISTRICT & SESSIONS COURT (ADHOC-I), KOLLAM
CRIME NO.607/02 OF KOLLAM EAST POLICE STATION

.....

PETITIONER/ACCUSED

AMSHU, S/O.SREEKUMAR,
KOTHUMBIL KIZHAKKATHIL,
MANGADU P.O., KOLLAM.

BY ADV. SRI.C.R.JAYAKUMAR

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No.7153 OF 2006

DATED THIS THE 5TH DAY OF DECEMBER, 2006

O R D E R

Petitioner, who is the first accused in C.R.No.607/02 of Kollam East Police Station for offences punishable under sections 55(a) and (g) of the Abkari Act and now pending before the Additional District and Sessions Court(Adhoc-I), Kollam as L.P.No.18/05, seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before the Sessions Court, the case as against him was transferred to the long pending register and non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not seek regular bail from the trial court after convincing that court about his previous non-appearance. Accordingly, if the petitioner surrenders before the Additional District and Sessions Court (Adhoc-I), Kollam and files an application for regular bail, the same shall be considered and disposed of, preferably on the same date on which it is filed after examining the explanation for his previous non-appearance on medical grounds.

This petitions is accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn